

1 AN ACT Relating to pupil transportation allocations; amending RCW
2 28A.160.117, 28A.160.150, 28A.160.160, 28A.160.170, 28A.160.180, and
3 28A.160.190; and adding a new section to chapter 28A.160 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 28A.160.117 and 2009 c 548 s 310 are each amended to
6 read as follows:

7 (1) The superintendent of public instruction shall encourage
8 efficient use of state resources by providing a linear programming
9 process that compares school district transportation operations. If a
10 school district's operation is calculated to be less than ninety
11 percent efficient, the regional transportation coordinators shall
12 provide an individual review to determine what measures are available
13 to the school district to improve efficiency. The evaluation shall
14 include such measures as:

15 (a) Efficient routing of buses;

16 (b) Efficient use of vehicle capacity; and

17 (c) Reasonable controls on compensation costs.

18 (2) The superintendent shall submit to the fiscal and education
19 committees of the legislature no later than December 1st of each year
20 a report summarizing the efficiency reviews and the resulting changes

implemented by school districts in response to the recommendations of the regional transportation coordinators.

(3) (a) Beginning in the 2023-24 school year and each year thereafter, if a school district's reimbursement amount for serving distinct passenger categories under RCW 28A.160.180(2)(a), divided by the number of distinct passenger students served, exceeds 105 percent of the state average per-pupil reimbursement amount attributable to students within distinct passenger categories, the state auditor must conduct a review of the school district's transportation expenditures for distinct passenger categories to ensure the expenditures are necessary, reasonable, and attributable to serving qualifying students. This review must be included in the state auditor's regular audits of school districts.

(b) For purposes of this subsection (3) "distinct passenger categories" has the same meaning as provided in RCW 28A.160.160.

Sec. 2. RCW 28A.160.150 and 2009 c 548 s 304 are each amended to read as follows:

Funds allocated for transportation costs, except for funds provided for transportation and transportation services to and from school shall be in addition to the basic education allocation. The distribution formula developed in RCW 28A.160.150 through 28A.160.180 shall be for allocation purposes only and shall not be construed as mandating specific levels of pupil transportation services by local districts. Operating costs as determined under RCW 28A.160.150 through 28A.160.180 shall be funded at one hundred percent or as close thereto as reasonably possible for transportation of an eligible student to and from school as defined in RCW 28A.160.160(~~((+3))~~) (4). In addition, funding shall be provided for transportation services for students living within the walk area as determined under RCW 28A.160.160(~~((+5))~~) (6).

Sec. 3. RCW 28A.160.160 and 2009 c 548 s 305 are each amended to read as follows:

For purposes of RCW 28A.160.150 through 28A.160.190, except where the context shall clearly indicate otherwise, the following definitions apply:

(1) "Distinct passenger categories" includes the following:

1 (a) Students who require special transportation services as
2 documented in an approved individualized education program under
3 chapter 28A.155 RCW;

4 (b) Students who meet the definition of homeless where
5 transportation is required by the McKinney-Vento act or other federal
6 requirements;

7 (c) Students who are in foster care where transportation is
8 required outside of the normal school district boundary.

9 (2) "Eligible student" means any student served by the
10 transportation program of a school district or compensated for
11 individual transportation arrangements authorized by RCW 28A.160.030
12 whose route stop is outside the walk area for a student's school,
13 except if the student to be transported is disabled under RCW
14 28A.155.020 and is either not ambulatory or not capable of protecting
15 his or her own welfare while traveling to or from the school or
16 agency where special education services are provided, in which case
17 no mileage distance restriction applies.

18 ~~((+2))~~ (3) "Superintendent" means the superintendent of public
19 instruction.

20 ~~((+3))~~ (4) "To and from school" means the transportation of
21 students, including those listed in the distinct passenger categories
22 as defined in this section, for the following purposes:

23 (a) Transportation to and from route stops and schools;

24 (b) Transportation to and from schools pursuant to an
25 interdistrict agreement pursuant to RCW 28A.335.160;

26 (c) Transportation of students between schools and learning
27 centers for instruction specifically required by statute; ~~((and))~~

28 (d) Transportation of students with disabilities to and from
29 schools and agencies for special education services.

30 Academic extended day transportation for the instructional
31 program of basic education under RCW 28A.150.220 shall be considered
32 part of transportation of students "to and from school" for the
33 purposes of this section. Transportation for field trips may not be
34 considered part of transportation of students "to and from school"
35 under this section.

36 ~~((+4))~~ (5) "Transportation services" for students living within
37 the walk area includes the coordination of walk-to-school programs,
38 the funding of crossing guards, and matching funds for local and
39 state transportation projects intended to mitigate hazardous walking

1 conditions. Priority for transportation services shall be given to
2 students in grades kindergarten through five.

3 ~~((+5))~~ (6) As used in this section, "walk area" means that area
4 around a school with an adequate roadway configuration to provide
5 students access to school with a walking distance of less than one
6 mile. Mileage must be measured along the shortest roadway or
7 maintained public walkway where hazardous conditions do not exist.
8 The hazardous conditions must be documented by a process established
9 in rule by the superintendent of public instruction and must include
10 roadway, environmental, and social conditions. Each elementary school
11 shall identify walk routes within the walk area.

12 **Sec. 4.** RCW 28A.160.170 and 2021 c 234 s 3 are each amended to
13 read as follows:

14 Each district shall submit ~~((three))~~ the following reports on a
15 timely basis as a condition of the continuing receipt of school
16 transportation moneys:

17 (1) Three times each year to the superintendent of public
18 instruction during October, February, and May of each year a report
19 containing the following:

20 ~~((+1))~~ (a) (i) The number of eligible students transported to and
21 from school as provided for in RCW 28A.160.150, along with
22 identification of stop locations and school locations, and ~~((+b))~~
23 (ii) the number of miles driven for pupil transportation services as
24 authorized in RCW 28A.160.150 the previous school year; ~~((and~~

25 ~~(+2))~~ (b) Other operational data and descriptions as required by
26 the superintendent to determine allocation requirements for each
27 district. The superintendent shall require that districts separate
28 the costs of operating the program for the transportation of eligible
29 students to and from school as defined by RCW 28A.160.160 ~~((+3))~~ (4),
30 non-to-and-from-school pupil transportation costs, and costs to
31 provide expanded services under RCW 28A.160.185(1) in the annual
32 financial statement. The cost, quantity, and type of all fuel
33 purchased by school districts for use in to-and-from-school
34 transportation shall be included in the annual financial statement ~~((-~~

35 ~~Each district shall submit the information required in this~~
36 ~~section on a timely basis as a condition of the continuing receipt of~~
37 ~~school transportation moneys));~~

38 (2) Monthly, a report of allowable transportation expenditures
39 for students included in the definition of distinct passenger

categories as defined in RCW 28A.160.160. The data submitted in the 2022-23 school year must be used to determine the allocation model for the 2023-24 school year. The data submitted in the 2023-24 school year and thereafter must be used for reimbursement of actual costs as provided in RCW 28A.160.180. The superintendent of public instruction must adopt accounting and reporting rules necessary to implement this section. Rules established by the superintendent of public instruction may streamline reporting requirements for small school districts to account for their unique needs.

Sec. 5. RCW 28A.160.180 and 2009 c 548 s 307 are each amended to read as follows:

(1) Each district's annual student transportation allocation shall be determined by the superintendent of public instruction in the following manner:

~~((1))~~ (a) The superintendent shall annually calculate the transportation allocation for those services provided for in RCW 28A.160.150. The allocation formula may be adjusted to include such additional differential factors as basic and special passenger counts as defined by the superintendent of public instruction, average distance to school, and number of locations served.

~~((2))~~ (b) The allocation shall be based on a regression analysis of the number of basic and special students transported and as many other site characteristics that are identified as being statistically significant.

~~((3))~~ (c) The transportation allocation for transporting students in district-owned passenger cars, as defined in RCW 46.04.382, pursuant to RCW 28A.160.010 for services provided for in RCW 28A.160.150 if a school district deems it advisable to use such vehicles after the school district board of directors has considered the safety of the students being transported as well as the economy of utilizing a district-owned passenger car in lieu of a school bus is the private vehicle reimbursement rate in effect on September 1st of each school year. Students transported in district-owned passenger cars must be included in the corresponding basic or special passenger counts.

~~((4))~~ (d) Prior to June 1st of each year the superintendent shall submit to the office of financial management, and the education and fiscal committees of the legislature, a report outlining the methodology and rationale used in determining the statistical

coefficients for each site characteristic used to determine the allocation for the following year.

(2) Beginning in the 2023-24 school year, each school district's annual student transportation allocation shall be determined by the superintendent of public instruction in the following manner:

(a) The superintendent must reimburse school districts for 100 percent of the transportation expenditures reported under RCW 28A.160.170(2) attributable to serving students in distinct passenger categories.

(b) The superintendent shall annually calculate the transportation allocation for those services provided for in RCW 28A.160.150, excluding any services reimbursed in (a) of this subsection. The allocation formula may be adjusted to include such additional differential factors as passenger counts as defined by the superintendent of public instruction, average distance to school, and number of locations served.

(c) The allocation shall be based on a regression analysis of the number of students transported and as many other site characteristics that are identified as being statistically significant.

(d) The transportation allocation for transporting students in district-owned passenger cars, as defined in RCW 46.04.382, pursuant to RCW 28A.160.010 for services provided for in RCW 28A.160.150 if a school district deems it advisable to use such vehicles after the school district board of directors has considered the safety of the students being transported as well as the economy of utilizing a district-owned passenger car in lieu of a school bus is the private vehicle reimbursement rate in effect on September 1st of each school year. Students transported in district-owned passenger cars must be included in the corresponding basic or special passenger counts.

(e) Prior to June 1st of each year, the superintendent shall submit to the office of financial management and the education and fiscal committees of the legislature, a report outlining the methodology and rationale used in determining the statistical coefficients for each site characteristic used to determine the allocation for the following year.

Sec. 6. RCW 28A.160.190 and 2009 c 548 s 308 are each amended to read as follows:

((The)) (1) Beginning in the 2023-24 school year, the superintendent of public instruction shall reimburse school districts

1 on a monthly basis for 100 percent of the transportation expenditures
2 attributable to serving students in distinct passenger categories, as
3 reported under RCW 28A.160.170(2). Districts must submit claims for
4 reimbursement monthly, on a schedule determined by the superintendent
5 of public instruction that is consistent with the methods used to
6 reimburse school districts for costs in other reimbursement-based
7 categorical programs.

8 (2)(a) For all other transportation allocations not included in
9 subsection (1) of this section, the superintendent shall notify
10 districts of their student transportation allocation before January
11 15th. The superintendent shall recalculate and prorate the district's
12 allocation for the transportation of pupils to and from school.

13 (b) The superintendent shall make the student transportation
14 allocation in accordance with the apportionment payment schedule in
15 RCW 28A.510.250. Such allocation payments may be based on the prior
16 school year's ridership report for payments to be made in September,
17 October, November, December, and January.

18 NEW SECTION. Sec. 7. A new section is added to chapter 28A.160
19 RCW to read as follows:

20 By January 1, 2025, the office of the superintendent of public
21 instruction must provide an analysis of school district
22 transportation costs and allocations following the 2023-24 school
23 year to the education and fiscal committees of the legislature. This
24 analysis must include the mileage, ridership, and costs for each
25 district, disaggregated by the following student demographic
26 categories: (1) Students requiring special transportation due to a
27 properly formed and approved individualized education program; (2)
28 students requiring special transportation due to requirements of the
29 McKinney-Vento act or other federal program; (3) students requiring
30 special transportation due to a foster care placement out of their
31 regular school district boundary; and (4) all other students
32 transported to and from school. The legislature intends to use this
33 data to inform their future discussions on revising the overall
34 student transportation allocation model to a more transparent and
35 predictable funding model.

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